

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**BRUNSON ROBERTS
ADC #127841**

PLAINTIFF

v. **No. 5:12-cv-188-DPM**

**JOHN HERRINGTON, Sergeant, Cummins Unit, ADC;
BRIAN LEVENGOOD, Sergeant, Cummins Unit, ADC;
RAY HOBBS, Director, ADC; RAYMOND NAYLOR, Disciplinary
Administrator, ADC; G. LAY, Warden, Cummins Unit, ADC;
M. WARNER, Warden, Cummins Unit, ADC;
V. ROBERTSON, Major of Security, Cummins Unit, ADC;
J. HOLSTEAD, Corporal, Cummins Unit, ADC;
TINA GIBSON, Sergeant, Cummins Unit, ADC;
MERLIN FITZPATRICK, Lieutenant, Cummins Unit, ADC;
and JOHN DOES, Cummins Unit, ADC**

DEFENDANTS

JUDGMENT

1. Brunson Roberts's excessive-force claims were tried to a twelve-person jury from 15 to 16 December 2014. After deliberations, on December 16th the jury returned two unanimous verdicts. *See attached.* The jury found for John Herrington and for Brian Levengood on Roberts's claims against each of them. Roberts's excessive-force claims against Herrington are dismissed with prejudice. Roberts's excessive-force claims against Levengood are dismissed with prejudice.

2. Roberts also brought claims against Hobbs, Naylor, Lay, Warner,

Robertson, and Holstead that were unrelated to his excessive-force claims. Those claims are dismissed without prejudice. *No 8.* Roberts's excessive-force claims against Gibson and Fitzpatrick are dismissed without prejudice for failure to exhaust. *No 36.* Roberts's claims against the John Does for violating prison policies are dismissed without prejudice. *No 22.*

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

17 December 2014

DEC 16 2014

D Jackson

VERDICT NO. 1

IN OPEN COURT
JAMES W. McCORMACK, CLERK
BY:

1. On Brunson Roberts's excessive force claim against John Herrington, as submitted in Instruction No. 9, we find for:

 Brunson Roberts

 ✓ John Herrington

If you found for Roberts on Question 1, then answer Question 2. If you found for Herrington on Question 1, your deliberations on Herrington are done. Do not answer Question 2.

2. We find Brunson Roberts's damages to be \$ _____
(state the amount, or if you find that Roberts's damages have no monetary value, put \$1.00).

Keith Ervinak

Foreperson

Dec 16, 2014

Date

FILED

VERDICT NO. 2

DEC 16 2014

IN OPEN COURT

JAMES W. McCORMACK, CLERK
DEPUTY CLERK

1. On Brunson Roberts's excessive force claim against Brian Levengood, *[Signature]*
as submitted in Instruction No. 10, we find for:

 Brunson Roberts

 ✓ Brian Levengood

If you found for Roberts on Question 1, then answer Question 2. If you found for Levengood on Question 1, your deliberations on Levengood are done. Do not answer Question 2.

2. We find Brunson Roberts's damages to be \$ _____
(state the amount, or if you find that Roberts's damages have no monetary value, put \$1.00).

Keith Ensmark
Foreperson

Dec 16, 2014
Date